

FILED
MAY 18 2009
MISSISSIPPI
SECRETARY OF STATE

NOTICE OF RULE ADOPTION—FINAL RULE
STATE OF MISSISSIPPI
Bureau of Building, Grounds and Real Property Management

Bureau of Building, Grounds and RPM
c/o Tricia Weir, Contract Analyst Senior
501 North West Street, Suite 1401B
Jackson, Mississippi 39201 Hand Delivered
601-359-3621 weirt@dfa.state.ms.us
Date Rule Proposed: April 6, 2009

Specific Legal Authority authorizing the Promulgation of Rule:
none
Reference to Rules repealed, amended or suspended by the Proposed Rule: none

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: {Insert here}

1. Adopt the AIA 2007 General Conditions in Section 00700 and Amend the Bureau of Building's Supplementary Conditions Section 00800 (the American Institute of Architects' Gen. Conds are protected by U.S. Copyright Law; however, Bureau of Building, et al, Supp. Conds. are attached) (May 31st is last date to get previous AIA Gen. Conds. From the AIA - State must adhere thereto.)
2. Change the requirement for the Contractor's legal name to be shown as required in Division 00100 Instructions to Bidders Sections 2.07, 3.01 envelope, and 5.01 to agree with Proposal Form: from "appearing in the current Mississippi State Board of Contractors Roster" to "Complete spelling of bidder's name and address - exact as recorded at the Secretary of State [<http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp>] which should be the same as you applied for at the Mississippi State Board of Contractors (<http://www.msoboc.us/Search2.CFM>)".
3. Add a reason in the Instructions to Bidders 1.04 for disqualification of bidder to agree with Procedure Manual Section 600.53.
 - A. Failure to comply with the bid requirements. (in 600.53 but missing in 1.04)
 - B. Bidder is in arrears on existing Contracts with the Bureau or another state agency.
 - C. Bidder is, or anticipates being, in litigation or arbitration with the Bureau or another state agency
 - D. Bidder has defaulted on a previous Contract.
4. Rearrange the wording on the Proposal Form Addenda Acknowledgment and Mechanical/Electrical Contractors in hopes of obtaining better contractor response on the bid proposals.
5. Change notification of Asbestos from Richard Scruggs, et al, to the Attorney General's Office - State of Mississippi, as requested by Hon. Geoffrey Morgan, Chief of Staff for the Attorney General's Office, in Section 400.4.
6. Change the requirement for a Request for Qualifications for Professional from \$1,000,000.00 to \$2,000,000.00 in Section 400.6.
7. Change the requirement for a plaque from "Facilities" to "New buildings and major building renovation projects" in Section 600.30 to comply with Code 29-5-151 that requires plaques on "buildings" ... *paid for with public funds* ... (to clarify that plaques do not go on i.e. roofs, sewer projects, etc.)
8. Section 00650 Insurance Certificate Instructions referencing AIA Document A201 for 2007 in #1 therein.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:

Date: May 14, 2009

Time: 10:00 a.m.

Place: Conference Center East Room 145, Woolfolk Building

RE: (for BOB info) AGC requested Oral Proceeding for the following items: change from AIA General Conditions to the AGC Consensus Documents; Inst./Bidders 1.04 C. "anticipates litigation" wording; 3.18 indemnification; 9.3.1.4 monthly time CO; arbitrator; and limits on arbitration; future COs; 13.7.1 statute of limitations (not on agenda).
With subsequent presentations from ABC and AIA; and taken under advisement and consideration by DFA/BOBGRPM

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

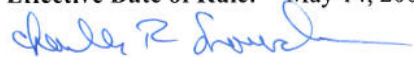
☐ This rule as adopted is without variance from the proposed rule.

☒ This rule as adopted differs from the proposed rule as there are minor ^{clerical} ~~editorial~~ changes which affect the form rather than the substance of the rule. Not a result of the Oral Proceeding - just clerical. (#6 above, changed Request for Proposal to Request for Qualification. Added #8 above for Section 00650 referencing the AIA Document A201 changed herein. Changes amend section page numbers and footer)

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: May 14, 2009



Signature and Title of Person Submitting Rule for Filing

Charles R. Snowden, Director, Bureau of Building, Grounds and Real Property Management

SOS FORM APA 001
Effective Date 07/29/2005